

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

NATHANIEL EUGENE FLENNORY,)	
)	
Plaintiff,)	
)	
v.)	No. 2:12CV90 CDP
)	
ROBERT DAWSON, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

Before the Court is defense counsel Amy Ohnemus’ memorandum indicating that counsel will “agree to accept service on behalf of [defendants] Robert Dawson and David Moore.” Counsel asks that the Court forward waiver agreements to her attention so that counsel may execute the agreements on defendants’ behalf.


Because the Court has undertaken the responsibility of effectuating service on plaintiff’s behalf, pursuant to 28 U.S.C. § 1915, service must be effectuated through summons under Fed.R.Civ.P.4(a) unless the Court and the named defendants have a waiver agreement on file. Unfortunately, Macon County is not one of the defendants this Court maintains a waiver agreement with. As such, a waiver, pursuant to Rule 4(d), can only be effectuated if plaintiff is attempting service on his own behalf.

As such, defense counsel has the option of simply entering an appearance on behalf of defendants Robert Dawson and David Moore, or the Court can send alias summons to defense counsel, since she has indicated that counsel will accept summons on defendants' behalf. If counsel fails to enter an appearance on defendants' behalf within fourteen (14) days of the date of this Memorandum and Order, the Court will issue alias summons to defendants at the Office of Wasinger, Parham, Morthland, Terrell & Wasinger, L.C.

Accordingly,

IT IS HEREBY ORDERED that if defense counsel fails to enter an appearance on behalf of defendants Robert Dawson and David Moore within fourteen (14) days of the date of this Memorandum and Order, the Clerk of Court shall issue alias summons to defendants at the Office of Wasinger, Parham, Morthland, Terrell & Wasinger, L.C.

Dated this 12th day of November, 2013.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE